

From: Joseph Lyman
To: Microsoft ATR
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Subject: Microsoft Settlement

To whom it may concern:

Over the past several years my attention has been drawn to the questionable business and political practices of Microsoft Corporation, the high profile company involved in this case. As an informed consumer, and as a business owner in the technologies industry it has become increasingly apparent that Microsoft is unable to operate in a manner conducive to our free market.

One concern that stands out in particular is the manner in which Microsoft Corp. handles its dealer relations with Original Equipment Manufacturers (OEM's). These OEM companies are responsible for an increasingly large percentage of all North American computer sales and are thus an important and key distribution point for any software makers.

Microsoft has repeatedly shown that it cannot act responsibly in its relations with OEM dealers. The settlements that have been proposed do address this matter, but with very little resolution or restriction and thus very little assurance that anything will change.

Below are a few arguments that have been made in general concerning this matter (quoted):

"The PFJ prohibits certain behaviors by Microsoft towards OEMs, but curiously allows the following exclusionary practices:

"Section III.A.2. allows Microsoft to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system.

"Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to the top 20 OEMs, but says nothing about smaller OEMs. This leaves Microsoft free to retaliate against smaller OEMs, including important regional 'white box' OEMs, if they offer competing products.

"Section III.B. also allows Microsoft to offer unspecified Market Development Allowances -- in effect, discounts -- to OEMs. For instance, Microsoft could offer discounts on Windows to OEMs based on the number of copies of Microsoft Office or Pocket PC systems sold by that OEM. In effect, this allows Microsoft to leverage its monopoly on Intel-compatible operating systems to increase its market share in other areas, such as office software or ARM-compatible operating systems.

"By allowing these practices, the PFJ is encouraging Microsoft to extend its monopoly in Intel-compatible operating systems, and to leverage it into new areas. "

I agree wholeheartedly with these arguments and would encourage the Department of Justice to reconsider its actions with Microsoft Corp. Furthermore I would recommend that any action taken should address the above concerns and help restore the market that Microsoft has destroyed.

Thank you for your time in this matter.

Sincerely,

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